

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JASON A. MAHE,

Plaintiff

v.

A.W.O. HARTMAN, *et al.*,

Defendants

Case No. 3:21-cv-00069-MMD-WGC

**ORDER**

**I. DISCUSSION**

On February 1, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an order to show cause for preliminary injunction and a temporary restraining order. (ECF No. 1-1). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **April 5, 2021** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully

1 complete application to proceed *in forma pauperis* containing all three of the required  
2 documents, or in the alternative, pay the full \$402 filing fee for this action on or before  
3 **April 5, 2021**. Absent unusual circumstances, the Court will not grant any further  
4 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application  
5 to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing  
6 fee on or before **April 5, 2021**, this case will be subject to dismissal without prejudice for  
7 Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint and able  
8 to acquire all three of the documents needed to file a fully complete application to proceed  
9 *in forma pauperis* or pay the full \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
11 case with the Court, under a new case number, when Plaintiff is able to file a complaint  
12 and has all three documents needed to submit with an application to proceed *in forma*  
13 *pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma*  
14 *pauperis* and instead pay the full filing fee of \$402 on or before **April 5, 2021** to proceed  
15 with this case.

## 16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to  
18 this Court on or before **April 5, 2021**.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the  
20 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The  
21 Clerk of the Court will also send Plaintiff a copy of his order to show cause for preliminary  
22 injunction and a temporary restraining order . (ECF No. 1-1).

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
24 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
25 document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **April 5, 2021**, Plaintiff will either pay  
27 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
28 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
3 signatures on page 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
5 official (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
7 **previous six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully  
9 complete application to proceed *in forma pauperis* with all three documents or pay the full  
10 \$402 filing fee for a civil action on or before **April 5, 2021**, this case will be subject to  
11 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
12 number, when Plaintiff is able to file a complaint and has all three documents needed to  
13 file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

14 DATED: February 2, 2021

15 William G. Cobb  
16 UNITED STATES MAGISTRATE JUDGE  
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